

A G E N D A

REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION, TO TAKE PLACE ON TUESDAY, MARCH 10, 2015, 7:00 P.M., COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN

1. **Call to Order**
2. **Pledge of Allegiance to the Flag**
3. **Roll Call**
4. **Approval of the Minutes**

Regular Meeting – January 27, 2015

5. **Public Hearings**

None

Public Hearing Process

1. Staff presentation and overview of petition
2. Petitioner presentation
3. Public comments in support of the petition
4. Public comments in opposition to the petition
5. Opportunity for petitioner rebuttal and final comments
6. Closing of public hearing
7. Deliberation and possible decision by Planning Commission

6. **Old Business**

None

7. **Public Comments (unrelated to items on the agenda)**

8. **New Business**

- a. **Zoning Map Amendments (Annexed Parcels)**
- b. **Capital Improvement Projects – 2014/15 through 2019/20**

9. **Communications**

10. **Report of the Chairperson**

11. **Report of the Planning Director**

12. **Items for Next Agenda – March 24, 2015**

13. **Adjournment**

**MINUTES OF THE MEETING OF THE MIDLAND CITY PLANNING
COMMISSION
WHICH TOOK PLACE ON
TUESDAY, JANUARY 27, 2015, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

PRESENT: Borden, Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, and Tanzini

ABSENT: Stewart

OTHERS PRESENT: Brad Kaye, Director of Planning and Community Development; Noel Bush, City Utilities Director, Brian McManus, City Engineer; Grant Murschel, Community Development Planner; and two (2) others.

4. Approval of Minutes

Moved by Hanna and seconded by Senesac to approve the minutes of the regular meeting of December 9, 2014. Motion passed unanimously.

5. Public Hearing

None

6. Old Business

None

7. Public Comments

None

8. New Business

a. Capital Improvement Plan (presentation by Engineering and Utility Departments)

Kaye explained that the city is embarking on the formulation of a capital improvement plan. He gave a quick overview of the material contained in a capital improvement plan and explained that a public process will be utilized and upon completion will be adopted by the City Council.

McManus presented to the Commission an overview of how current street projects are selected through the priority list. He also presented how funding is sourced for projects which includes state, local and federal. Senesac wondered about specifics on the recent Metropolitan Planning Organization (MPO) which the city is now a part of. McManus explained that the MPO is a collection of local municipalities and county road agencies which are able to capture federal funds for street improvements.

McManus continued to explain how street funding is allocated within the city budget, including operational maintenance and pavement management needs. Borden wondered if projections have been done if the state proposal would pass in the spring which increases the sales tax, among other things, to provide additional road funding.

McManus gave a high level overview of projects which are planned through 2019-20. The project selection is determined through use of management software, road ratings, traffic volumes, etc. Pavement management techniques are used to determine what types of treatments are needed to certain projects.

McLaughlin wondered if there was a difference between concrete and asphalt. McManus explained that concrete is more expensive initially but has a longer life. Given the requirements for accessing underground utilities in times of maintenance or emergency, concrete is rarely used in the city. Hanna wondered if there are weight limits on local roads. McManus explained that certain limits are given on county roads at certain times of the year. He further explained that the best way to deter oversized loads in the city is by surrounding jurisdictions posting the weight restrictions and enforcing them.

Hanna explained that she appreciated the street improvements on E. Ashman Street, which now make her drives to Ashman Circle much more comfortable.

Bush gave an overview of the Utilities Department. He provided charts of revenues and expenditures of the department to give a general description of how the funds are received and expended. He displayed a map of the water distribution system and the project priorities of the system. He explained the types of pipes that are used in the water distribution system. Excess revenue over expenditures is placed within the working capital funds.

Bush also reviewed the proposed 5-year financials for the wastewater, storm water, landfill and renewable energy funds. He explained the new renewable energy system which captures gas at the landfill which is turned into electricity at the wastewater treatment plant.

Senesac wondered if the entire landfill is not generating gas. Bush explained that parts of the landfill are not generating gas because they are completely closed off. Some areas produce more gas than others.

Kaye explained that the process has been launched in order to bring a new plan up to date. The process going forward will involve pulling together the Planning, Engineering and Utility Departments to discuss the projects. Then incrementally, other departments will be added including Public Services.

b. Non-Motorized Transportation Update

Kaye explained that the written report was included in the staff packet for the meeting. He reviewed that much of the attention has been focused on needs other than engineering or building of new pathways or lanes.

Mead wondered about the financial obligations to NMT. McManus indicated that about \$20,000 a year is given to NMT.

Hanna explained that she believes more should be done to encourage students to walk to school, for additional exercise and to reduce traffic around the schools.

9. Communications

None

10. Report of the Chairperson

None

11. Report of the Planning Director

Kaye explained that the acquisition of the 4D property on the Tittabawassee River is continuing to move forward. He also explained that shortly he will want to bring some educational opportunities for the Commission to learn more about the community and the role of the Commission. Lastly, he explained that the Commission will be implementing the paperless iPad system which will take place over the next six weeks.

Heying explained that he found his recent training very valuable. He thought the class participation was very thought provoking. He said that he took away that the planning law should be read, language should be kept simple and that the master plan should be followed.

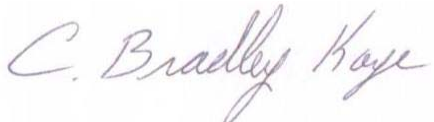
12. Items for Next Agenda – February 10, 2015

None, meeting will be canceled.

13. Adjourn

Motion by Mead and seconded by Heying to adjourn at 8:41p.m. Motion passed unanimously.

Respectfully submitted,

A handwritten signature in blue ink that reads "C. Bradley Kaye". The signature is written in a cursive, flowing style.

C. Bradley Kaye, AICP, CFM
Director of Planning and Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION



ZP #599

Date: March 3, 2015

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: ZONING MAP AMENDMENTS (Annexed Parcels)

APPLICANT: City of Midland Planning Department

Parcels:

Map #	Address	Owner	Acreage (approx.)	Master Plan Designation	Current Zoning	Proposed Zoning
1	2705 E Wackerly	Wheeler Road Mini-Storage LLC	24.7	Low Density Residential	R1 One-Family Residential	RA-1 Single Family Residential
2	3003 E Wackerly	Wheeler Road Mini-Storage LLC	8.1	Low Density Residential	R1 One-Family Residential	RA-1 Single Family Residential
3	6001 N Waldo Rd	Big Timber Ltd	18.5	Low Density Residential	R1 One-Family Residential	RA-1 Single Family Residential
4	5901 N Waldo Rd	Christian Celebration Center	25.6	Low Density Residential	R1 One-Family Residential	RA-1 Single Family Residential
5	5401 N Waldo Rd	Big Timber Ltd	13	High Density Residential	R1 One-Family Residential	R-B Multiple Family Residential
6	5301 N Waldo Rd	Big Timber Ltd	9.75	High Density Residential	R1 One-Family Residential	R-B Multiple Family Residential
7	5101 N Waldo Rd	Michael Rapanos	18.5	Commercial	R1 One-Family Residential	RC Regional Commercial
8	1144 N Waldo Rd	Judith Rapanos Trust	39.4	Commercial	B-1 Neighborhood Business and B-2 General Business	RC Regional Commercial

REPORT

Zoning Petition No. 599, initiated by the City of Midland, proposes to rezone all or part of 8 separate parcels annexed into the City of Midland from Midland Township.

BACKGROUND

The subject parcels are held by several property owners and have each been annexed from Midland Township over the past 2 years. Pursuant to City of Midland Zoning Ordinance standards, city zoning is to be applied to each parcel within 2 years of annexation. These petitions have been initiated by city Planning Staff to apply city zoning to each parcel.

The background and recommended zoning for each of these parcels was first presented to the Planning Commission on August 26, 2014. Although some reservations concerning the proposed RC Regional Commercial zoning were expressed, the direction provided at that time was generally supportive of moving forward with the rezoning of these lands.

Also expressed at the time of initial review, however, were concerns over the status of utility and road improvements and a desire to consider access management standards. An update on the road improvements in particular was requested. This update was promised prior to moving the rezoning petition to public hearing.

WALDO ROAD - UTILITY AND ROAD IMPROVEMENT STATUS

Phase I of the utility installation and road reconstruction on Waldo Rd North of US-10 has commenced. This phase will complete both utilities and road restoration from the north side of US-10 to the Diamond Drive intersection. Phase II will install services across and then restore the Diamond Drive intersection. Phase III will complete the project by extending utilities 400 feet north of Diamond Drive and then completing the road reconstruction. All phases will take place through the summer of 2015, with completion anticipated in late September.

As previously advised, the Waldo Road utility and road project is a cooperative venture between the major property owners in the area and the City of Midland. A cost-sharing agreement has been entered into whereby these landowners will pay the portion of the road and utility improvements attributable to their lands and future developments. This payment will be made as soon as the project is completed and utilities are made available for connection. The city will install the services and roads, and will carry the additional costs not paid by the landowners.

ACCESS MANAGEMENT

The concept of access management was raised at the August meeting when the rezoning of these lands was first discussed. Before taking this to public hearing, staff is requesting additional direction from the Planning Commission. Specifically, staff is asking what form of access management standards the Planning Commission would like considered. Options include:

1. Increased minimum parcel sizes.

By increasing minimum parcel sizes (particularly parcel width), fewer parcels will be able to front onto and thus access the major road network. Theoretically, fewer parcels means fewer driveways and less conflict points along the roadway. In practice, the nature of the use stills heavily influences the impact on the street network.

2. Minimum driveway spacing standards.

Minimum driveway spacing standards already exist within the Zoning Ordinance. Generally speaking, these standards are based on Michigan Department of Transportation Guidelines and account for various factors including posted speed limits, separation from intersections, and land divisions patterns. Enhancing these standards does not appear warranted at this time. Were this option desired, input from the City Engineering Department and the city traffic consultant would be advisable.

3. Combined driveway standards.

Requiring that adjacent parcels develop using a common (shared) driveway is another approach that may be used to minimize connection points to the adjacent road system. For maximum effectiveness, an overall development plan identifying intended driveway locations can be designed in advance of development.

4. Require internal circulation.

Combined driveways, theoretically, reduce the number of driveways accessing the adjacent road in half. Requiring combined access goes beyond to restrict the overall number of driveways and have multiple parcels internally accessible only from those limited driveways. An overall access management plan is frequently used to help implement this approach. Input from the city traffic consultant would likely be required to effectively plan for and implement this form of regulatory approach.

5. Required service roads.

Service roads, separate from the main road network, can be used to limit traffic access to selected locations, with all other individual development access provided only via the service road. To implement this approach, predesign of the road is important and the land needs of the designed road must be known. Actual implementation of the service road is typically dependent upon cooperation with the adjacent landowner(s) and/or municipal compensation for the land needed to locate the road upon.

Service roads are currently provided for in the commercial driveway standards of the Zoning Ordinance. In keeping with the comments above, the use of service roads is encouraged but not required.

6. Require traffic impact/design analysis at time of development.

Design review and assessment at the time of development approval can be considered. This would require that each individual development proposal submit a detailed impact assessment report reviewing the proposed development design and the impact of that design on the adjacent road network. The benefit of such a study, however, is often limited as the focus is to simply determine if the traffic generated by a proposed project can be safely handled by the road network or if physical improvements are necessary to accommodate the additional traffic that will be generated. While such studies can be beneficial, they are not considered a preferred approach when determining how best to design a broader area of planned development.

STAFF RECOMMENDATION

Upon review of the options, Planning Staff would encourage the Planning Commission to consider options 3 and 4 as set out above. Combined driveway standards will help to minimize the number of driveways that will be permitted on the existing road system. An overall design plan that further examines internal circulation and predetermines appropriate points of access

will further improve traffic circulation while minimizing points of conflict. Consultant assistance with this latter plan will be required.

PLANNING COMMISSION ACTION

Staff is requesting that the Planning Commission consider the options presented above and provide direction on which, if any, of the options should be reviewed further. No final action is required at this time as, depending on the options chosen, further information will be provided to the Planning Commission before any action may be taken.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "C. Bradley Kaye".

C. Bradley Kaye, AICP
Director of Planning and Community Development

AGREEMENT FOR PUBLIC IMPROVEMENTS
NORTH WALDO ANNEXATION

THIS AGREEMENT, made and entered into this 3 day of FEBRUARY, 2014 between the CITY OF MIDLAND, a Michigan municipal corporation, of 333 W. Ellsworth Street, Midland, Michigan 48640, hereinafter referred to as the "City," and BIG TIMBER, LLC, a limited liability company of 925 E. Wheeler Street, Midland, Michigan 48642, the JUDITH ANN RAPANOS FAMILY TRUST NUMBER 1, under agreement dated February 16, 2012, of 3736 E. Julie Ann Drive, Midland, Michigan 48642 and MICHAEL J. RAPANOS, a single man of 925 E. Wheeler Street, Midland, Michigan 48642, hereinafter collectively referred to as the "Property Owners";

Whereas the Property Owners of property located on Waldo Avenue north of US 10, as shown on the attached map (Exhibit A), desire access to public improvements, including sanitary sewer, water main, streets and storm sewer, hereinafter collectively referred to as "Public Improvements"; and

Whereas this agreement covers the following parcels:

BIG TIMBER, LLC	120-002-100-146-00
	120-002-400-500-00
	120-002-400-460-00
	120-001-200-200-00
MICHAEL J. RAPANOS	120-002-400-400-00
JUDITH ANN RAPANOS TRUST NUMBER 1	120-001-300-010-00

;and

Whereas Property Owners have petitioned for annexation to the City of Midland; and

Whereas all parties agree to enter into an agreement between the Property Owners and the City for said Public Improvements to ensure completion of all required Public Improvements and the payment for said Public Improvements; and

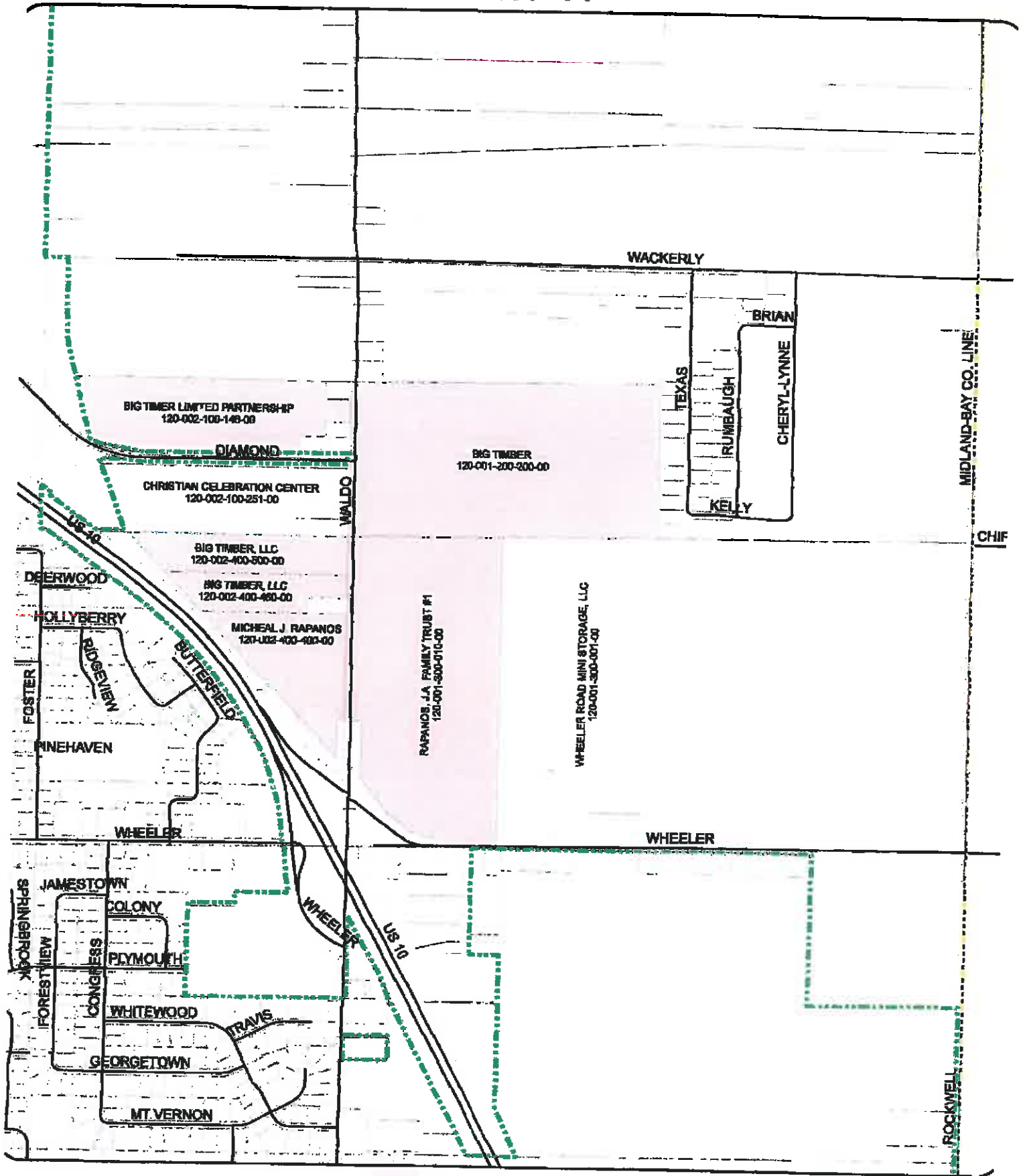
Whereas the City will cause to be constructed Public Improvements in accordance with this Agreement under a special assessment program and the Property Owners agree to pay their special assessment, in full, upon the completion of the Public Improvements;

NOW THEREFORE the Property Owners and the City agree to the following:

- 1) The Property Owners have petitioned for annexation to obtain Public Improvements, including sanitary sewer, water, streets, and storm sewer.

- 2) The estimated cost of the Public Improvements is as follows: sanitary sewer \$915,000, water \$543,000, and streets (including storm sewer) \$642,000, totaling \$2,100,000. For purposes of this Agreement the Property Owners shall pay the sum of \$626,789.00, as designated per parcel and per owner on the attached Exhibit B, upon completion of the Public Improvements with the balance of the assessments on other parcels in the special assessment district being paid over a ten (10) year period. The \$626,789.00 will be guaranteed by a Letter of Credit to the City and in a form and for a duration of time agreed upon by all Parties. These are estimated costs with actual costs being used in the special assessment process. The Letter of Credit will be given prior to or at the time of the bid opening for the project. The Letter of Credit shall be for the duration of the entire project and in a form and with conditions agreeable to the City. Any modification of the Letter of Credit must be in writing and signed by all Parties. Should the Letter of Credit not be in force for the full amount at the time of bid opening then no bid shall be awarded until the Letter of Credit is approved by the City.
- 3) All Public Improvements shall be constructed by the City to its specifications and completed within eighteen (18) months of the date of this Agreement.
- 4) Recognizing the desire of the owners of parcel number 120-001-300-010-00 (Judith Ann Rapanos Family Trust 1) and parcel number 120-001-300-001-00 (Wheeler Road Mini Storage, LLC) to extend sewer and water service through their property to avoid a frontage assessment on Wheeler Road, the credit adjustment for additional cost on depth on the sewer in Waldo will be adjusted to reflect the benefit to those properties and the Parties agree to allow connection to the sewer and/or water by parcels fronting on the North side of Wheeler at the requesting Property Owners cost.
- 5) All remaining properties within the assessment district shall be assessed over a ten (10) year period for said Public Improvements at an interest rate of prime +2% at the time of approval of said assessment.
- 6) The Property Owners agree to grant a 10' wide utility and street easement adjacent to all parcels along Waldo Road for the purposes of future infrastructure needs.
- 7) The City will be responsible for installation and costs for the sanitary sewer pump station and force water main with the land to be provided by the Property Owners at or near the northwest corner of Waldo Avenue and US 10. This agreed upon parcel shall be deeded to the City of Midland to be used for pump station infrastructure purposes.
- 8) The City will install watermain and sanitary sewer across US 10. The Property Owners shall grant a 30' wide easement to the City adjacent to the US 10 ramp north of Wheeler Road to the boring location and a 30' wide easement on the north side of US 10 to extend the watermain and sanitary sewer to Waldo Road from the boring location.
- 9) The Parties hereby acknowledge that this Agreement is complete and final and meets their request and that it shall not be amended or altered without written consent of all Parties that the terms of this Agreement are contractual and not mere recital.
- 10) All properties, when annexed, will retain their present township zoning classification, and future zoning will be in accordance with Section 12.04 of the Midland Zoning Ordinance.
- 11) The state equalized and taxable values will remain unchanged with the exception of increases or decreases to those values as provided by law.

EXHIBIT "A"



Parcels Subject to Agreement



City Boundary

County Boundary

EXHIBIT "B"

Estimated Costs

OWNER

PARCELS

BIG TIMBER, LLC

120-002-100-146-00
120-002-400-500-00
120-002-400-460-00
120-001-200-200-00

Sanitary Sewer:

\$88,865.00

Water Main:

\$71,291.00

Street:

\$86,582.00

TOTAL:

\$246,738.00

OWNER

PARCELS

MICHAEL J. RAPANOS

120-002-400-400-00

Sanitary Sewer:

\$47,894.00

Water Main:

\$38,423.00

Street:

\$49,398.00

TOTAL:

\$135,715.00

OWNER

PARCELS

JUDITH ANN

RAPANOS FAMILY TRUST 1

120-001-300-010-00

Sanitary Sewer:

\$90,128.00

Water Main:

\$72,305.00

Street:

\$81,903.00

TOTAL:

\$244,336.00



Date: March 3, 2015

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Capital Improvement Projects – 2014/15 through 2019/20

REPORT

This report presents the capital improvement projects and asset costs anticipated for fiscal year 2014/15 (current fiscal year) through 2019/20.

BACKGROUND

A capital improvements plan itemizes a local government's planned outlays for long-term public projects and explains how the jurisdiction plans to finance them. Projects might involve streets, bridges, public buildings, utility systems, and recreational and cultural facilities. In its most rudimentary format, a capital improvements program (CIP) is a multiyear schedule of major infrastructure improvements. In its most complex form, a CIP is not only a project list but also a fiscal policy statement, project prioritization tool, project summary, and financing plan. A CIP is typically riddled with public policy issues as it is one of the best tools to implement a community's comprehensive plan. Because a CIP links the community's comprehensive land use plan with short and long term fiscal planning and physical development, it is necessary to have a basic understanding of the planning background for capital improvement programs.

In Michigan the formation of a capital improvements program is driven by the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3865 states:

Sec. 65. (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

Because the City of Midland relies on a Master Plan to guide growth in a way that will enhance the desirability of our surroundings, it must utilize a CIP to help ensure that current expenditures carry us closer to realizing the most advantageous outcomes.

Not only are capital improvements required to be coordinated by state law, the benefits of adopting a CIP are numerous. Such benefits include:

- **Focusing attention on community goals and testing development proposals against them.** For example, an individual project such as a new recreation facility may appear attractive until it is forced to compete directly with demands for new sewers or roads. Capital projects serve to fulfill community objectives. Such objectives will likely dictate the priority and geographic location of specific improvements.
- **Achieving optimum use of public funds.** Advance programming improves efficient use of public funds by avoiding such mismanagement as constructing a new street one year to tear it up for sewer installation the next. The CIP also allows for sequential purchases in that land to accommodate future projects can be purchased well in advance of actual construction, hopefully while land costs are low. It is also important to note that some investors in municipal bonds look favorably upon the existence of a CIP. This can save money in interest costs via a favorable bond rating. Finally, the CIP will occasionally improve the competitive standing of community grant applications to state or federal sources.
- **Serving community interest.** The CIP helps keep the public informed about future facility construction plans and can help reduce political pressure on local officials to fund projects of low priority. It is also an important tool to plan the location, timing, and nature of improvements adjacent to or within neighboring jurisdictions.

The most recent Capital Improvement Plan for the City of Midland was prepared and adopted in 2006, with projects anticipated through 2020. With the passage of time, the projections in that plan have become less and less accurate, as would be expected. An updated plan, covering the 6 year period of time required by the Michigan Planning Enabling Act, is therefore warranted.

The plan now under preparation focusses on hard infrastructure – roads, utilities (water, sanitary sewer, storm sewer), landfill and the gas-to-energy system employed at the city landfill. The acquisitions that would qualify as capital assets and the projects that are defined as capital improvement projects are provided on the attached list.

STAFF RECOMMENDATION

Planning Commission review of the capital asset purchases and projects planned through FY 2019/20 is requested. Any additional projects not included on the list that the Planning Commission would like to see considered should be noted for further investigation by city staff. Should any planned projects be identified that the Planning Commission feel is at odds with the direction of our planning documents, this too should be noted and will be investigated by staff.

Following Planning Commission review and feedback, and upon completion of any further research required, the attached list will be compiled into a final Capital Improvement Plan. That plan will be presented in its full form to the Planning Commission for final review and approval.

PLANNING COMMISSION ACTION

Staff is requesting that the Planning Commission review and provide feedback on the attached list. No final action is required at this time.

Respectfully Submitted,

A handwritten signature in blue ink that reads "C. Bradley Kaye". The signature is written in a cursive, flowing style.

C. Bradley Kaye, AICP
Director of Planning and Community Development